

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emily Devaney	Team: Squad #1	CCRB Case #: 201902647	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 03/16/2019 4:00 AM	Location of Incident: § 87(2)(b) [REDACTED]	Precinct: 113	18 Mo. SOL 9/16/2020	EO SOL 5/3/2021	
Date/Time CV Reported Sat, 03/16/2019 10:03 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/27/2019 11:13 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Carlos Segovia	1915	937513	GANG QS
2. Officers			GANG QS
3. An officer			GANG QS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Diego Vivar	05613	937698	GANG QS
2. CPT Charles Campisi	00000	928008	GANG QS
3. SGT Edward Scali	03350	931170	GANG QS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Carlos Segovia	Abuse: Detective Carlos Segovia entered § 87(2)(b) [REDACTED] in Queens.	[REDACTED]
B.DT3 Carlos Segovia	Abuse: Detective Carlos Segovia searched § 87(2)(b) [REDACTED] in Queens.	[REDACTED]
C. Officers	Abuse: Officers refused to provide their names to § 87(2)(b) [REDACTED]	[REDACTED]
D. Officers	Abuse: Officers refused to provide their shield numbers to § 87(2)(b) [REDACTED]	[REDACTED]
E. An officer	Abuse: An officer refused to show the search warrant to § 87(2)(b) [REDACTED]	[REDACTED]
F. An officer	Abuse: An officer refused to show the search warrant to § 87(2)(b) [REDACTED]	[REDACTED]
G. Officers	Abuse: Officers refused to provide their names to § 87(2)(b) [REDACTED]	[REDACTED]
H. Officers	Abuse: Officers refused to provide their shield numbers to § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On March 16, 2019, § 87(2)(b) filed this complaint over the phone with IAB. IAB forwarded this complaint to the CCRB where it was received on March 27, 2019.

On March 16, 2019, § 87(2)(b) and her boyfriend, § 87(2)(b) were asleep when Detective Carlos Segovia and officers from Queens South Gang Squad entered and searched their apartment at § 87(2)(b) in Queens (**Allegations A-B: Abuse of Authority, § 87(2)(g)**). Officers allegedly did not provide their names and shield numbers to § 87(2)(b) when he requested them (**Allegations C-D: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) also requested to see the search warrant, but an officer allegedly refused to show it to him (**Allegations E: Abuse of Authority, § 87(2)(g)**). The officers arrested § 87(2)(b) for § 87(2)(b) and removed him to the 113th Precinct stationhouse. As the officers left, § 87(2)(b) asked to see the search warrant and an officer allegedly refused to show it to her (**Allegation F: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) asked officers for their names and shield numbers, but they allegedly did not provide them (**Allegation G-H: Abuse of Authority, § 87(2)(g)**).

Queens South Gang Squad officers were not issued body-worn cameras at the time of incident. Therefore, there is no body-worn camera video evidence in this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Carlos Segovia entered § 87(2)(b) in Queens.

Allegation (B) Abuse of Authority: Detective Carlos Segovia searched § 87(2)(b) in Queens.

It is undisputed that Det. Segovia and additional officers from Queens South Gang Squad entered and searched § 87(2)(b) and § 87(2)(b)'s apartment.

Det. Segovia obtained Queens County search warrant § 87(2)(b), which was signed on § 87(2)(b) by the Honorable Queens County Judge § 87(2)(b) and was executed on March 16, 2019 (Board Review 01). The warrant authorized officers to search, at any time of day or night, without first announcing their purpose or authority, § 87(2)(b), in Queens.

As per Criminal Procedure Law 690.05, officers may forcibly enter and search a location for which they have a valid search warrant (Board Review 02).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g).

Allegation (C) Abuse of Authority: Officers refused to provide their names to § 87(2)(b)

Allegation (D) Abuse of Authority: Officers refused to provide their shield numbers to § 87(2)(b)

Allegation (E) Abuse of Authority: An officer refused to show the search warrant to § 87(2)(b)

§ 87(2)(b) testified that he and § 87(2)(b) were asleep in the living room when officers entered the apartment (Board Review 04, 05). An officer handcuffed § 87(2)(b) and § 87(2)(b). Two officers brought § 87(2)(b) § 87(2)(b) daughter, § 87(2)(b) from the bedroom into the living room. § 87(2)(b) and § 87(2)(b) remained in the living room while the officers searched the apartment. § 87(2)(b) asked an officer, who he described as a Hispanic

male who was approximately 5'6" with a stocky build and spikey black hair, for his name and shield number. The officer replied that § 87(2)(b) could have that information after he was released from police custody. § 87(2)(b) asked the officer to see the search warrant. The officer said that § 87(2)(b) could see the warrant when the officers were finished. Officers did not show § 87(2)(b) the search warrant.

§ 87(2)(b) asked a second officer for his name and shield number. The second officer did not reply but told the first officer to "get § 87(2)(b) out of here" because he was asking too many questions. § 87(2)(b) described the second officer as a white male in his early-50s who was approximately 6' with an average build, brown and gray hair, green or blue eyes, and was cleanshaven. This officer was wearing a white uniform shirt with a white bulletproof vest.

§ 87(2)(b) testified that she did not hear § 87(2)(b) ask for any officers' names or shield numbers during the incident (Board Review 06, 07).

The search warrant pre-execution plan lists 12 officers with specific assignments inside the apartment (Board Review 01). There were three officers involved in the search whose ranks were lieutenant or above, and therefore could have been wearing white uniform shirts. Captain Charles Campisi from Queens South Gang Squad was the only officer, lieutenant or higher, assigned to a position within the apartment. § 87(2)(g)

While Cpt. Campisi was a white male of average height/build, he was only § 87(2)(b) years old at the time of the incident and has brown eyes, as opposed to the male in his early 50s with blue/green described by § 87(2)(b). Lt. Peter Iemma, most closely fit the description of the second officer as he was the oldest of the three white shirt officers at § 87(2)(b) old, and had greying hair. However, as of January 2, 2020, he is no longer an active member of service. Lt. Nicholas Vandyke was 40 years old at the time of the incident, has brown eyes and brown wavy hair.

According to a search on the MOS photo terminal, Det. Segovia and Sergeant Diego Vivar from Queens South Gang Squad partially match the descriptions provided by § 87(2)(b). Det. Segovia and Sgt. Vivar are both Hispanic males with heavy builds. Det. Segovia is 5'7" while Sgt. Vivar is 5'8" tall. In his MOS photo, Det. Segovia did not have hair, but he had black hair at the time of his CCRB interview.

Sgt. Vivar and Det. Segovia testified that all the officers were wearing plainclothes and no one, including Cpt. Campisi according to Sgt. Vivar, was wearing a white shirt (Board Review 08, 09, respectively). Sgt. Vivar stated that while both lieutenants were outside during the initial search warrant execution, he did not know whether either entered the home afterward. Both Sgt. Vivar and Det. Segovia testified that they did not witness any officer refuse to provide their name or shield number to § 87(2)(b). Sgt. Vivar and Det. Segovia denied that they refused to provide their names or shield numbers to § 87(2)(b).

Det. Segovia testified that he obtained the search warrant and had the search warrant with him at the apartment (Board Review 09). After officers handcuffed § 87(2)(b) and § 87(2)(b) Det. Segovia told them that the officers were there to execute a search warrant. Det. Segovia showed § 87(2)(b) the search warrant and showed him that it had been signed by a judge.

The property voucher for search warrant § 87(2)(b) prepared by Det. Segovia, noted that the defendant, § 87(2)(b) refused to sign the search warrant (Board Review 10).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (F) Abuse of Authority: An officer refused to show the search warrant to § 87(2)(b)

Allegation (G) Abuse of Authority: Officers refused to provide their names to § 87(2)(b)

Allegation (H) Abuse of Authority: Officers refused to provide their shield numbers to

§ 87(2)(b)

§ 87(2)(b) testified that she asked an officer to show her the search warrant while she and § 87(2)(b) were handcuffed in the living room (Board Review 06, 07). § 87(2)(b) described this officer as a Hispanic male in his late-30s or early-40s who was 5'6 with a heavy build and was clean-shaven. The officer told her that a lieutenant would show her the search warrant when the officers were done searching and to "hang tight."

The officers removed § 87(2)(b) from the apartment and continued searching. As the officers finished searching, § 87(2)(b) asked a second officer for his name and shield number. The second officer was a white male in his late-40s or early-50s and was bald. This officer was wearing a white uniform shirt. The officer did not reply. § 87(2)(b) knew the officer heard her request because she spoke loudly and he was approximately five feet away.

§ 87(2)(b) turned to the first officer and said, "I want all your names, badge numbers, and commands." § 87(2)(b) also asked again to see the search warrant. The officer replied that § 87(2)(b) would receive a copy of all the paperwork when he was released. The officer did not provide any officers' names or shield numbers nor did the officer show § 87(2)(b) the search warrant.

According to a search on the MOS photo terminal, Det. Segovia and Sergeant Diego Vivar from Queens South Gang Squad partially match the description provided by § 87(2)(b)

Sgt. Vivar stated that he did not recall if anyone asked to see the search warrant during this incident (Board Review 08). Sgt. Vivar did not hear § 87(2)(b) request an officer's name or shield number. Sgt. Vivar denied that he refused to provide his name or shield number to anyone.

Det. Segovia testified that § 87(2)(b) did not ask to see the search warrant (Board Review 09). Det. Segovia did not hear § 87(2)(b) ask for any officers' names or shield numbers. Det. Segovia did not refuse to provide his name or shield number to § 87(2)(b)

As stated above, the officers testified that there were no officers wearing NYPD uniforms or white clothing during the search warrant execution.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (Board Review 11).
- § 87(2)(b) has been party to one additional CCRB complaint and has been named as a victim in one allegation (Board Review 11):
 - § 87(2)(b)
- Detective Carlos Segovia has been a member of service for 15 years and has been named a subject in 10 CCRB complaints and 21 allegations, of which one was substantiated (Board Review 15).
 - 201113426 involved a substantiated allegation of a vehicle search. The Board recommended Charges, and the NYPD imposed no disciplinary action. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of October 7, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 12).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date